

ASSEMBLY BILL

No. 136

Introduced by Assembly Member Kehoe

January 16, 2003

An act to add Section 4850.2 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 136, as introduced, Kehoe. Workers' compensation: disability: leave of absence.

Existing law provides that certain peace officers, firefighters, and other specified local public employees are entitled to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of employment, for the period of disability, but not exceeding one year. The leave of absence is in lieu of temporary disability payments or maintenance allowance payments otherwise payable under the workers' compensation system.

This bill would provide that firefighters are entitled to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of employment, for the period of disability, but not exceeding 2 years.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4850.2 is added to the Labor Code, to
2 read:

1 4850.2. (a) Notwithstanding Section 4850, whenever any
2 firefighter is disabled, whether temporarily or permanently, by
3 injury or illness arising out of and in the course of his or her duties,
4 he or she shall become entitled, regardless of his or her period of
5 service, to a leave of absence while so disabled without loss of
6 salary in lieu of temporary disability payments or maintenance
7 allowance payments under Section 139.5, if any, that would be
8 payable under this chapter, for the period of the disability, but not
9 exceeding two years, or until such earlier date as he or she is retired
10 on permanent disability pension, and is actually receiving
11 disability pension payments, or advanced disability pension
12 payments pursuant to Section 4850.3.

13 (b) This section applies only to firefighters who meet the
14 requirements of subdivision (a) and does not apply to any
15 employee whose principal duties are those of a telephone operator,
16 clerk, stenographer, machinist, mechanic, or otherwise, and whose
17 functions do not clearly fall within the scope of active firefighting
18 and fire prevention service.

